

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Claims 1, 2, 4, 5 and 11-13 have been amended clarify the features of the invention recited therein and to further distinguish the claimed invention from the references relied upon in the rejections discussed below. These amendments are supported by, at least, paragraph [0040] of the present application.

II. 35 U.S.C. § 102 Rejection

Claims 1, 2, 5, 7, 9 and 11-13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Covell et al. (U.S. 6,782,186). This rejection is believed clearly inapplicable to amended independent claims 1 and 11-13 for the following reasons.

Amended independent claim 1 recites a processing device including a purpose reception unit for receiving an instruction of a purpose, selected from reproduction and edit, of AV content. Further, claim 1 recites that the processing device includes a boundary correction unit for, when a predetermined section of the AV content is extracted in accordance with an instruction received from a user (via a first reception unit), selecting, in accordance with the instruction received by the purpose reception unit, whether the boundary is shifted in one of a direction causing a Commercial Message (CM) section to be short and a direction causing the CM section to be long. Covell fails to disclose or suggest the above-mentioned distinguishing

feature recited in amended claim 1.

Rather, Covell merely teaches (i) receiving an instruction from a user, (ii) correcting a CM boundary based on the instruction received by the user that triggers a memorized function, (iii) that the user selects a CM that the user does not want to record, and (iv) determining a recording time so that a CM having a corrected boundary is not recorded (see col. 16, lines 39-55; and col. 18, lines 5-31).

Thus, in view of the above, it is clear that Covell teaches that the CM boundary correction requires a the user to input an instruction for correcting the CM boundary, but fails to disclose or suggest the purpose reception unit for receiving an instruction of a purpose, selected from reproduction of the AV content and edit of the AV content, such that based on the instruction of the purpose, the boundary correction unit selects how to shift the boundary, as recited in claim 1.

In other words, Covell requires the user to provide an instruction for correcting the CM boundary, which does not disclose or suggest that, based on a selection of reproduction of the AV content or edit of the AV content, the boundary correction unit selects (automatically – without user input) whether the boundary is shifted in a direction causing the CM section to be short or a direction causing the CM section to be long.

In addition, according to Covell, since the CM boundary is adjusted based on a memorized function (e.g. a CM skip), more accurate CM detection needs to be executed. On the other hand, the present application is based on a notion than “an automatic CM detection technique cannot achieve 100% accuracy.” Thus, claim 1 requires that in accordance with a selection between reproduction of the AV content and edit of the AV content, the CM boundary

is changed, in order to reduce any annoyance felt by the user (e.g., by shortening a CM section so as not to miss any portion of a program section at the time of CM skip, or by shortening the program section so as not to miss any portion of a CM section at the time of CM editing).

Whereas Covell teaches that, the CM boundary correction is based on the above-described automatic matching of the user instruction and the memorized function.

More specifically, Covell's disclosure of skipping a CM section based on the user's instruction to skip the CM section is not a disclosure or suggestion of receiving an instruction of a purpose, selected from reproduction of the AV content and edit of the AV content, such that based on the instruction of the purpose, the boundary correction unit selects how to shift the boundary, as recited in claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that independent claim 1 and claims 2-10 that depend therefrom are not anticipated by Covell.

Furthermore, there is no disclosure or suggestion in Covell or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Covell to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 2-10 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 11, 12 and 13 are directed to a method, a program, and a circuit, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 11-13 are allowable over Covell.

III. 35 U.S.C. § 103 Rejections

Claims 3, 4, 6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Covell. In addition, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Covell and Dagtas et al. (U.S. 2002/0080286).

Regarding dependent claims 3, 4, 6 and 8, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over Covell, it is respectfully submitted that, since Covell does not disclose or suggest the above-discussed features of independent claim 1, Covell also does not disclose or suggest the features of dependent claims 3, 4, 6 and 8.

Regarding dependent claim 10, which was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Covell and Dagtas, it is respectfully submitted that Dagtas does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the Covell reference. Therefore, no obvious combination of Covell and Dagtas would result in, or otherwise render obvious, the invention recited independent claim 1 and claims 2-10 that depend therefrom.

IV. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

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